

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RODNEY MORROW,)
)
Plaintiff,)
)
v.) No. 4:07CV1468 TIA
)
MALLINCKRODT, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for reconsideration. The motion will be denied.

Plaintiff submitted his pro se complaint on August 17, 2007, alleging that defendant unlawfully discriminated against him from 1981 through 1989. On August 27, 2007, the Court reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and ordered plaintiff to show cause why the case should not be dismissed because no right to sue letter was filed and because the case appeared to be time barred. Plaintiff failed to submit a right to sue letter, and the Court dismissed the complaint without prejudice on October 3, 2007.

Plaintiff has now submitted a right to sue letter. The letter was mailed to plaintiff on April 9, 2007. In the letter, plaintiff is advised of his right to bring a civil action in federal court within 90 days. The instant complaint, however, was filed more than 120

days after the letter was mailed. Under these circumstances, plaintiff's Title VII claims are dismissible as untimely. Additionally, plaintiff has still failed to show that his claims are not time barred because the complaint was filed more than 17 years after the alleged discrimination occurred. 42 U.S.C. § 2000e-5 (Title VII charge must be filed within 180 days of the alleged discrimination).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration is **DENIED**.

Dated 9th day of November, 2007.

/s/Donald J. Stohr
UNITED STATES DISTRICT COURT